

City of Houston, Texas, Ordinance No. 2017-832

AN ORDINANCE APPROVING AND AUTHORIZING THE SUBMISSION OF A REVISED ACTION PLAN (ACTION PLAN) FOR DISASTER RECOVERY-2015 FLOOD EVENTS, INCLUDING AN APPLICATION FOR ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY FUNDS ASSOCIATED WITH THE 2015 FLOOD EVENTS (CDBG – DR15) IN THE AMOUNT OF \$20,532,000, TO BE USED TO ADDRESS FLOODING IMPACTS FROM MAJOR DISASTERS DECLARED IN 2015 AND FUTURE FLOOD RESILIENCY, TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; ACCEPTING THE AFOREMENTIONED GRANT FUNDS, IF AWARDED; APPROVING AND AUTHORIZING A SECOND SUBSTANTIAL AMENDMENT TO ORDINANCE NO. 2016-705, AS AMENDED, WHICH AUTHORIZED THE SUBMISSION OF THE ORIGINAL ACTION PLAN, TO INCLUDE THE ADDITIONAL CDBG-DR15 FUNDS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, on September 14, 2016, pursuant to Ordinance No. 2016-705 the City Council of the City of Houston (“City Council”) approved and authorized the submission of the City’s Action Plan for Disaster Recovery – 2015 Flood Events (“Action Plan”), including an Application for Community Development Block Grant Disaster Recovery (CDBG-DR15) funds associated with the 2015 Flood Events (“Application”), to the United States Department of Housing and Urban Development (“HUD”); and

WHEREAS, the Application was approved and the City was awarded \$66,560,000 in CDBG-DR15 funds to cover necessary expenses related to disaster relief, long term recovery, restoration of infrastructure and housing, and/or economic revitalization resulting from major disasters declared in 2015; and

WHEREAS, on June 28, 2017, pursuant to Ordinance No. 2017-483, City Council approved an amendment to the Action Plan, including the Application; and

WHEREAS, the Housing and Community Development Department (HCDD) now desires City Council to approve and authorize the submission of a revised Action Plan and Application to HUD for \$20,532,000.00 in additional CDBG-DR15 funds to address flooding impacts from major disasters declared on May 29 and November 25, 2015 and future flood resiliency, and to accept the funds, if awarded; and

WHEREAS, HCDD also desires City Council to modify the Action Plan to remove the \$100,000 cap on the amount of eligible housing assistance available per applicant under the CDBG-DR 15 “Single Family Home Repair” activity; and

WHEREAS, HCDD further desires City Council to approve and authorize a second substantial amendment to the original Action Plan, as amended, including the revised Application to add the \$20,532,000.00 in CDBG-DR15 funds mentioned above, if awarded; and

WHEREAS, HCDD recommends the City’s estimated allocation of the additional \$20,532,000.00 in CDBG-DR15 funds be distributed among the categories and in the amounts set forth below:

Community Development Block Grant Disaster Recovery 2015 - \$87,092,000

Activity	Current Amount	Additional Funding	New Total Amount
Public Facilities and Improvements (Infrastructure)	\$40,375,507.21	\$19,505,400	\$59,880,907.21
Housing (Single Family Home Repair)	\$12,000,000	-	\$12,000,000
Housing Buyout	\$10,660,000	-	\$10,660,000
Planning	\$196,492.79	-	\$196,492.79
Administration	\$3,328,000	\$1,026,600	\$4,354,600
Total	\$66,560,000	\$20,532,000	\$87,092,000

WHEREAS, public notice of this second substantial amendment to the Action Plan was published in the Houston Chronicle on September 29, 2017 through October 13, 2017, and citizen comments, if any, will be forwarded to HUD as necessary. **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS

Section 1. That the facts and recitals contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance.

Section 2. That City Council hereby approves and authorizes the submission of the revised Action Plan and Application to HUD for \$20,532,000.00 in additional CDBG-DR15 funds, in substantially the form attached hereto as **EXHIBIT “A”**, and to accept these funds if awarded.

Section 3. That City Council approves a modification to the Action Plan to remove the \$100,000 cap on the amount of eligible housing assistance available per applicant under the CDBG-DR 15 “Single Family Home Repair” activity. and

Section 4. That City Council further approves and authorizes a second substantial amendment to the City’s Action Plan for the CDBG-DR15 Flood Events, including the Application, authorized pursuant to Ordinance No. 2016-705 passed on September 14, 2016, as amended, to add \$20,532,000.00 in CDBG-DR15 funds to address flooding impacts from the major disasters declared in 2015 and future flood resiliency, in the manner set forth below:

Community Development Block Grant Disaster Recovery 2015 - \$87,092,000

Activity	Current Amount	Additional Funding	New Total Amount
Public Facilities and Improvements (Infrastructure)	\$40,375,507.21	\$19,505,400	\$59,880,970.21
Housing (Single Family Home Repair)	\$12,000,000	-	\$12,000,000
Housing Buyout	\$10,660,000	-	\$10,660,000
Planning	\$196,492.79	-	\$196,492.79
Administration	\$3,328,000	\$1,026,600	\$4,354,600
Total	\$66,560,000	\$20,532,000	\$87,092,000

Section 5. That by this amendment, the reallocation of funds will result in a current allocation of funds under the CDBG-DR15 Action Plan, including the Application, as set forth under **EXHIBIT “B”**, attached hereto and incorporated herein by reference.

Section 6. That the City Council finds that citizens residing in community development areas and residents and members of neighborhood-based organizations were given an opportunity to comment on the proposed changes contained in this amendment.

Section 7. That the City Council takes cognizance of the fact that to facilitate operations of various City community development programs, projects and activities, and to make adjustments occasioned by events transpiring during the year, it may become necessary to make adjustments to the projected uses of some of the program activities as originally adopted. Accordingly, the Mayor, through the Director of the HCDD, has determined:

- (1) a formal amendment may not be required by HUD nor the City Council for such administrative changes to the budget; and
- (2) this document will serve as a transmittal to HUD in compliance with 24 CFR §91.505(c), if applicable.


Section 8. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 25th day of October, 2017.

APPROVED this _____ day of _____, 2017.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is OCT 31 2017.



City Secretary

(Prepared by Legal Dept. Barbara J. Pierce *GND*
(BJP/TE/10/10/17) Senior Assistant City Attorney
(Requested by Tom McCasland, Director, Housing and Community Development
Department)
(L.D. File No.0291600075004)
FUND REF: Grant Fund – CDBG-DR 15 (\$20,532,000.00)
g:\bet\ordinance\orddisasterrecovery2015flood20172ndamend.doc

CAPTION PUBLISHED IN DAILY COURT
REVIEW DATE: **OCT 31 2017**

AYE	NO	
✓		MAYOR TURNER
....	COUNCIL MEMBERS
✓		STARDIG
✓		DAVIS
✓		COHEN
✓		BOYKINS
✓		MARTIN
✓		LE
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		LASTER
✓		GREEN
✓		KNOX
✓		ROBINSON
✓		KUBOSH
✓		EDWARDS
✓		CHRISTIE
CAPTION	ADOPTED	

EXHIBIT A

Application for Federal Assistance SF-424

*** 1. Type of Submission:**

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

*** 2. Type of Application:**

- ☐ New
☐ Continuation
☒ Revision

*** If Revision, select appropriate letter(s):**

AC: Increase Award, Increase Duration

*** Other (Specify):**

*** 3. Date Received:**

4. Applicant Identifier:

CDBG - B16-MH-48-0001

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*** a. Legal Name:**

City of Houston

*** b. Employer/Taxpayer Identification Number (EIN/TIN):**

746001164

*** c. Organizational DUNS:**

8324319850000

d. Address:

*** Street1:**

601 Sawyer

Street2:

P.O. Box 1562

*** City:**

Houston

County/Parish:

*** State:**

TX: Texas

Province:

*** Country:**

USA: UNITED STATES

*** Zip / Postal Code:**

77251-1562

e. Organizational Unit:

Department Name:

Housing and Community Dev Dept

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

*** First Name:**

Tom

Middle Name:

*** Last Name:**

McCasland

Suffix:

Title:

Director

Organizational Affiliation:

*** Telephone Number:**

832-394-6282

Fax Number:

*** Email:**

Tom.McCasland@houstontx.gov

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*** Other (specify):**

*** 10. Name of Federal Agency:**

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grant

*** 12. Funding Opportunity Number:**

-

*** Title:**

-

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

City of Houston

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Community Development Block Grant Disaster Recovery - 2015 Flood Events

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:*** a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="20,532,000.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="20,532,000.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title: * Telephone Number: Fax Number: * Email: * Signature of Authorized Representative: * Date Signed:

CDBG-DR15 Budget Page

CDBG-DR15 Funds	Estimated Allocation
Sources	
Projected CDBG-DR15 Grant Award	\$ 87,092,000.00
Projected CDBG-DR15 Funding	\$ 87,092,000.00
Uses	
Public Facilities and Improvements (Infrastructure)	\$ 59,880,907.21
Housing (Single Family Home Repair)	\$ 12,000,000.00
Housing Buyout	\$ 10,660,000.00
Planning	\$ 196,492.79
Administration	\$ 4,354,600.00
Total	\$ 87,092,000.00

City of Houston Action Plan for Disaster Recovery 2015 Flood Events

Housing assistance awards will be determined after factoring in the inputs listed above, subtracting any unaccounted for duplication of benefit, and then factoring in the pre-determined program assistance maximums that apply to the particular housing assistance activities to be used. Funds qualified as DOB may be required to be placed in escrow while assistance is provided.

~~Maximum Amount of Assistance Available~~

~~The maximum amount of eligible housing assistance available to an applicant under the CDBG-DR15 SFHP shall be \$100,000.00.~~

~~Awards may include expenses for additional related costs such as elevation, insurance, ADA modifications or emergency repair of water or sewer connections. Cost effective energy measures and improvements that meet Housing Quality Standards, especially those improvements which add enhanced resilience, such as elevation of major electrical components, roof strapping, and other items are also eligible. Lead based paint abatement, asbestos abatement, or other remediation components shall also be eligible.~~

Demonstrable Hardship

The City may consider exceptions to program policies for applicants who demonstrate undue hardship. Applicants in this situation will be reviewed to determine whether denial of program assistance further perpetuates circumstance attributing to such hardship. Demonstrable hardship may include but is not limited to: excessive amounts of debt due to a natural disaster, prolonged job loss, substantial reduction to household income, death of a family member, unexpected and extraordinary medical bills, disability, etc.

~~In cases of severe demonstrable hardship, the City may consider funding difficult or unexpected repairs above and beyond the \$100,000 cap. Houston may consider exceptions to program limits for applicants who demonstrate undue hardship. Applications will be individually reviewed to determine whether denial of program assistance further perpetuates circumstance attributing to such hardship.~~

Construction Standards for Replacement and New Construction of Residential Housing

The City will use Housing Quality Standards (HQS) as a minimum property standard. In addition, the City will require all new construction and all replacements of substantially damaged residential buildings to meet the Green Building Standard. Replacement of residential buildings may include reconstruction (*i.e.*, demolishing and rebuilding a housing unit on the same lot in substantially the same manner) and may include changes to structural elements such as flooring, systems, columns, or load bearing interior or exterior walls.

The City will implement construction methods that emphasize high quality, durability, energy efficiency, sustainability, and mold resistance. All rehabilitation, reconstruction, and new construction will be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigation against the impact of future disasters.

Under the CDBG-DR15 Program, the City will require any and all construction activities to follow the guidelines specified in the HUD CPD Green Building Checklist and meet an industry-recognized standard that has achieved certification under at least one of the following programs

- ENERGY STAR Multifamily High Rise Program
- Enterprise Green Communities
- LEED (New Construction, Homes, Midrise, Existing Buildings Operations and Maintenance, or Neighborhood Development)
- ICC-700 National Green Building Standard
- EPA Indoor AirPlus (ENERGY STAR a prerequisite)
- any other equivalent comprehensive green building program

Houston will implement and monitor construction so as to ensure the safety of residents and the quality of projects

EXHIBIT B

PREPARED: October 3, 2017
 APPROVED:
 AMENDMENT: 2
 ORDINANCE NO:

PROJECTED USE OF
 COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RELIEF 2015 (CDBG-DR15)
 ALLOCATION OF FUNDS
 November 18, 2016 to November 18, 2022

HOME ACTIVITIES	CURRENT ALLOCATION	REALLOCATION	CURRENT REVISED ALLOCATION	% of CURRENT REVISED ALLOCATION
Public Facilities and Improvements (infrastructure)	\$ 40,375,507.21	\$ 19,505,400.00	\$ 59,880,907.21	68.76%
Housing (Single Family Home Repair)	\$ 12,000,000.00		\$ 12,000,000.00	13.78%
Housing Buyout	\$ 10,660,000.00		\$ 10,660,000.00	12.24%
Planning	\$ 196,492.79		\$ 196,492.79	0.23%
Administration	\$ 3,328,000.00	\$ 1,026,600.00	\$ 4,354,600.00	5.00%
TOTAL	\$ 66,560,000.00	\$ 20,532,000.00	\$ 87,092,000.00	100.00%

COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RELIEF 2015 (CDBG-DR15)

Sources	Amount
Projected CDBG-DR15 Grant Award - Original	\$ 66,560,000.00
Second Allocation	\$ 20,532,000.00
Sub-Total	\$ 87,092,000.00